

EXHIBIT H

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Page 1

H I G H L Y C O N F I D E N T I A L

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

-----x

UNITED STATES, et al.,

Plaintiffs,

vs.

Case No.

1:23-cv-000108

GOOGLE LLC,

Defendant.

-----x

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VIDEOTAPED DEPOSITION OF BENNEASER JOHN

New York, New York

Friday, September 8, 2023

9:17 a.m.

Reported by:

Jennifer Ocampo-Guzman, CRR, CLR

JOB NO. 6082515

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<p style="text-align: right;">Page 2</p> <p>1 2 3 4 5 6 7 8 9 September 8, 2023 10 9:17 a.m. 11 12 13 HIGHLY CONFIDENTIAL 14 Videotaped Deposition of 15 BENNEASER JOHN, held at the offices of 16 Paul, Weiss, Rifkind, Wharton & 17 Garrison LLP, 1285 Avenue of the 18 Americas, New York, New York, pursuant 19 to subpoena, before Jennifer 20 Ocampo-Guzman, a Certified Realtime 21 Shorthand Reporter and Notary Public of 22 the State of New York. 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 2 APPEARANCES (Continued): 3 4 ORRICK HERRINGTON & SUTCLIFFE LLP 5 Attorneys for nonparty Microsoft and the 6 Deponent 7 1152 15th Street, N.W. 8 Washington, D.C. 20005-1706 9 BY: EILEEN COLE, ESQ. 10 ALLEN DAVIS, ESQ., (via Zoom) 11 12 ALSO PRESENT: 13 CARLOS RIVERA, Videographer 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 3</p> <p>1 2 APPEARANCES: 3 4 UNITED STATES DEPARTMENT OF JUSTICE 5 Attorneys for Plaintiff United States 6 325 7th Street, Suite 300 7 Washington, DC 20004 8 BY: JEFFREY VERNON, ESQ. 9 KAITLYN BARRY, ESQ. 10 JEFF QUI, ESQ., (via Zoom) 11 12 PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP 13 Attorneys for Defendant Google LLC 14 1285 Avenue of the Americas 15 New York, New York 10019 16 BY: KAREN DUNN, ESQ. 17 ERICA SPEVACK, ESQ. 18 WILLIAM ISAACSON, ESQ. (p.m. session) 19 JULIA WOOD, ESQ., (via Zoom) 20 21 AXINN, VELTROP & HARKRIDER LLP 22 Attorneys for Defendant Google LLC 23 55 Second Street 24 San Francisco, California 94105 25 BY: ISABELLA SOLORZANO, ESQ.</p>	<p style="text-align: right;">Page 5</p> <p>1 HIGHLY CONFIDENTIAL 2 THE VIDEOGRAPHER: Good morning. 3 We are going on the record at 9:17 a.m. 4 on September 8, 2023. Please note that 5 the microphones are sensitive and may 6 pick up whispering and minor 7 conversations; and please mute your 8 phones at this time. Audio and video 9 recording will continue to take place 10 unless all parties agree to go off the 11 record. 12 This is media unit number 1 of the 13 video-recorded deposition of Benneaser 14 John taken by counsel for defendant, in 15 the matter of the United States of 16 America versus Google LLC, filed in the 17 United States District Court, for the 18 Eastern District of Virginia, case 19 number 1:23-cv-000108-LMB-JFA. The 20 location of this deposition is 1285 21 Avenue of the Americas, New York, New 22 York. My name is Carlos Rivera 23 representing Veritext and I'm the 24 videographer. The court reporter is 25 Jennifer Ocampo-Guzman also representing</p>

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<p style="text-align: right;">Page 6</p> <p>1 HIGHLY CONFIDENTIAL</p> <p>2 Veritext.</p> <p>3 I'm not authorized to administer an</p> <p>4 oath, I'm not related to any party in</p> <p>5 this action. I'm not financially</p> <p>6 interested in the outcome.</p> <p>7 If there are any objections to the</p> <p>8 proceedings, please state them at the</p> <p>9 time of your appearance.</p> <p>10 Counsel and all present, including</p> <p>11 remotely, will now state their</p> <p>12 appearance and affiliation for the</p> <p>13 record, beginning with the noticing</p> <p>14 attorney.</p> <p>15 MS. DUNN: Karen Dunn from Paul</p> <p>16 Weiss, on behalf of Google.</p> <p>17 MS. SPEVACK. Erica Spevack, Paul</p> <p>18 Weiss, on behalf of Google.</p> <p>19 MS. SOLORZANO: Isabella Solorzano,</p> <p>20 Axinn, Veltrop & Harkrider, on behalf of</p> <p>21 Google.</p> <p>22 MR. VERNON: Jeff Vernon, on behalf</p> <p>23 of the United States.</p> <p>24 MS. BARRY: Kaitlyn Barry, on</p> <p>25 behalf of the United States.</p>	<p style="text-align: right;">Page 8</p> <p>1 JOHN - HIGHLY CONFIDENTIAL</p> <p>2 A. At Xandr.</p> <p>3 Q. And when did you start working at</p> <p>4 Xandr?</p> <p>5 A. I started at AppNexus late 2012,</p> <p>6 and AppNexus evolved to Xandr, part of the</p> <p>7 AT&T acquisition.</p> <p>8 Q. And what was your position at</p> <p>9 Xandr?</p> <p>10 A. CTO.</p> <p>11 Q. And you said prior to Xandr you</p> <p>12 worked at AppNexus?</p> <p>13 A. Yes.</p> <p>14 Q. And when did you start working at</p> <p>15 AppNexus?</p> <p>16 A. January 2013, to be exact.</p> <p>17 Q. And what was your position at</p> <p>18 AppNexus?</p> <p>19 A. I played multiple roles. I started</p> <p>20 as head of engineering for web services, then</p> <p>21 SVP of engineering for buyer side systems,</p> <p>22 and then I took the CTO role.</p> <p>23 Q. And you're prepared to testify</p> <p>24 today as the corporate representative of</p> <p>25 Microsoft, including as to topics relating to</p>
<p style="text-align: right;">Page 7</p> <p>1 JOHN - HIGHLY CONFIDENTIAL</p> <p>2 MS. COLE: Eileen Cole, Orrick, on</p> <p>3 behalf of the witness and Microsoft.</p> <p>4 THE VIDEOGRAPHER: Can the court</p> <p>5 reporter please swear in or affirm the</p> <p>6 witness.</p> <p>7 BENNEASER JOHN, called as a</p> <p>8 witness, having been duly sworn, was examined</p> <p>9 and testified as follows:</p> <p>10 EXAMINATION BY</p> <p>11 MS. DUNN:</p> <p>12 Q. Can you state your name for the</p> <p>13 record, please?</p> <p>14 A. Benneaser John, and I go by Ben</p> <p>15 John.</p> <p>16 Q. And where do you live?</p> <p>17 A. Princeton, New Jersey.</p> <p>18 Q. What is your current position at</p> <p>19 Microsoft?</p> <p>20 A. VP of engineering.</p> <p>21 Q. And when did you start working at</p> <p>22 Microsoft?</p> <p>23 A. June 6, 2022.</p> <p>24 Q. And prior to Microsoft, where did</p> <p>25 you work?</p>	<p style="text-align: right;">Page 9</p> <p>1 JOHN - HIGHLY CONFIDENTIAL</p> <p>2 Xandr, which was acquired by Microsoft in</p> <p>3 2022, and also AppNexus, which was acquired</p> <p>4 by AT&T in 2018, when it was integrated into</p> <p>5 AT&T's new tech offering, which was branded</p> <p>6 Xandr, correct?</p> <p>7 A. That is correct.</p> <p>8 MS. COLE: I just want to state for</p> <p>9 the record, to the extent that we have</p> <p>10 the records and materials from the</p> <p>11 transition.</p> <p>12 MS. DUNN: Understood.</p> <p>13 Q. And just for the record, Microsoft</p> <p>14 acquired your former company Xandr, was that</p> <p>15 in 2022?</p> <p>16 A. Uh-huh.</p> <p>17 (Discussion off the record.)</p> <p>18 A. Oh, sorry, yes.</p> <p>19 Q. And Xandr, just for the record, is</p> <p>20 an advertising technology company with buy</p> <p>21 and sell side capabilities?</p> <p>22 A. That's correct, yes.</p> <p>23 Q. If you -- we'll show you Tab 2.</p> <p>24 MS. COLE: Before we go on I want</p> <p>25 to mark this so I don't forget later, I</p>

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<p style="text-align: right;">Page 182</p> <p>1 JOHN - HIGHLY CONFIDENTIAL</p> <p>2 feature perspective, we meet or beat some of</p> <p>3 those features.</p> <p>4 Q. So from a product feature</p> <p>5 perspective, Xandr can meet or beat Google's</p> <p>6 features, why has Xandr been unsuccessful in</p> <p>7 the past in convincing US publishers to</p> <p>8 switch from Google to Xandr for publisher ad</p> <p>9 serving for display?</p> <p>10 MS. DUNN: Objection to form.</p> <p>11 A. There are three reasons: One,</p> <p>12 migration costs. The second one is Google</p> <p>13 AdX demand; and there is a third one about</p> <p>14 guarantee, which Xandr does not offer</p> <p>15 guarantee.</p> <p>16 I don't have any specific details</p> <p>17 of which customers Google offers guarantees,</p> <p>18 but we don't offer guarantees; because</p> <p>19 customers ask for guarantees, but we usually</p> <p>20 don't offer.</p> <p>21 Q. By "guarantee," what do you mean?</p> <p>22 A. Guarantee payment, even if they</p> <p>23 don't monetize, you will have to cut a check</p> <p>24 and give them a payment.</p> <p>25 Q. Does Xandr offer those types of</p>	<p style="text-align: right;">Page 184</p> <p>1 JOHN - HIGHLY CONFIDENTIAL</p> <p>2 in the US?</p> <p>3 A. They're the leading market player,</p> <p>4 and almost all publishers use Google ad</p> <p>5 server.</p> <p>6 Q. What impact, if any, is there on</p> <p>7 competition from the fact that Google's</p> <p>8 demand is not fully available to publishers</p> <p>9 unless the publisher uses DFP as their</p> <p>10 publisher ad server?</p> <p>11 MS. DUNN: Objection to form.</p> <p>12 Calls for a legal conclusion, an expert</p> <p>13 opinion, and there's no foundation.</p> <p>14 MS. COLE: Objection to form.</p> <p>15 A. Could you repeat the first part of</p> <p>16 the question?</p> <p>17 Q. Sure. What impact, if any, is</p> <p>18 there on competition from the fact that</p> <p>19 Google demand is not fully available to</p> <p>20 publishers, unless the publishers use DFP,</p> <p>21 Google DFP, as their publisher ad server?</p> <p>22 MS. DUNN: Same objection.</p> <p>23 A. So the impact will be there will</p> <p>24 not be any other ad server other than Google.</p> <p>25 And Google will have the say in how much or</p>
<p style="text-align: right;">Page 183</p> <p>1 JOHN - HIGHLY CONFIDENTIAL</p> <p>2 guarantees?</p> <p>3 A. We don't do it.</p> <p>4 Q. Do you know whether Google does?</p> <p>5 A. I don't have, but customers claim</p> <p>6 that they would like to have guarantees.</p> <p>7 Q. So it sounds like you're saying you</p> <p>8 don't know specifically whether Google offers</p> <p>9 guarantees, revenue guarantees for publisher</p> <p>10 ad serving; is that correct?</p> <p>11 A. That is correct.</p> <p>12 MS. DUNN: Objection to form.</p> <p>13 Q. In the last ten years, how easy or</p> <p>14 difficult has it been for Xandr, as a</p> <p>15 publisher ad server, to compete with Google's</p> <p>16 Publisher ad server for display in the US?</p> <p>17 A. It's very difficult. We're not</p> <p>18 able to penetrate or migrate any large</p> <p>19 publishers in the US; even though, you know,</p> <p>20 we are headquartered here, we have teams and</p> <p>21 engineers and sales force here. It's not all</p> <p>22 headquarters, but we have our teams. It's</p> <p>23 very hard.</p> <p>24 Q. How would you characterize Google's</p> <p>25 position in the publisher ad server business</p>	<p style="text-align: right;">Page 185</p> <p>1 JOHN - HIGHLY CONFIDENTIAL</p> <p>2 how publishers can monetize or get the better</p> <p>3 yield; and that is -- and that will be the</p> <p>4 impact.</p> <p>5 Q. If the display publisher ad server</p> <p>6 business were more competitive, would that be</p> <p>7 bad or good?</p> <p>8 MS. DUNN: Objection, leading.</p> <p>9 A. It's absolutely good for</p> <p>10 publishers.</p> <p>11 Q. Why would it be absolutely good for</p> <p>12 publishers, if the display publisher ad</p> <p>13 server business were to be more competitive?</p> <p>14 MS. DUNN: Same objection.</p> <p>15 A. They have an opportunity -- they</p> <p>16 run the RFPs. Every time they have an</p> <p>17 opportunity to migrate, and it's better</p> <p>18 monetization; not during the lockdown, and</p> <p>19 ability to try other features, so that's --</p> <p>20 yeah, those are the things that publishers</p> <p>21 would miss.</p> <p>22 Q. Fair to say that Google's publisher</p> <p>23 ad server has been successful in the display</p> <p>24 publisher ad server business?</p> <p>25 A. Based on the market leading and</p>

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<p style="text-align: right;">Page 186</p> <p>1 JOHN - HIGHLY CONFIDENTIAL</p> <p>2 based on the market presentation, yes.</p> <p>3 Q. Is Google's publisher ad server's</p> <p>4 success due to Google competing fairly on the</p> <p>5 merits and having the best product?</p> <p>6 MS. DUNN: Objection to form.</p> <p>7 A. Based on what I hear and see the</p> <p>8 documentation, Google don't have the best</p> <p>9 product. They missed it a lot in the</p> <p>10 product. But as I said, product is not the</p> <p>11 only reason customers or publishers stay with</p> <p>12 or work with Google ad server. It's the</p> <p>13 demand and stickiness.</p> <p>14 MS. DUNN: Objection. Move to</p> <p>15 strike as inappropriate, improper</p> <p>16 opinion testimony.</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 server business in Europe than in the US; is</p> <p>20 that right?</p> <p>21 A. That's correct.</p> <p>22 Q. Why has Xandr had less success as a</p> <p>23 display publisher ad server in the US as</p> <p>24 compared with Europe?</p> <p>25 A. Based on the conversations, I know</p>	<p style="text-align: right;">Page 188</p> <p>1 JOHN - HIGHLY CONFIDENTIAL</p> <p>2 MR. VERNON: Why don't you finish</p> <p>3 your answer first.</p> <p>4 A. (Continuing) And so we have case</p> <p>5 studies published and in US the primary brand</p> <p>6 focus is on revenue and not willingness to</p> <p>7 try and take a risk.</p> <p>8 Q. When you just gave your answer</p> <p>9 about why Xandr had had less success as a</p> <p>10 publisher ad server in the US, compared to</p> <p>11 Europe, what are you basing it on?</p> <p>12 A. Based on the RFPs that we received,</p> <p>13 based on the meetings that I was personally</p> <p>14 joined and discussed with them.</p> <p>15 Q. What meetings were those that you</p> <p>16 were personally involved?</p> <p>17 A. With FOX, with Insider.</p> <p>18 Q. And what conclusions did you draw</p> <p>19 from those meetings relevant to why Xandr had</p> <p>20 less success in the public ad server in the</p> <p>21 US compared to Europe?</p> <p>22 A. It's not just the technology of the</p> <p>23 product, it's about the demand and the</p> <p>24 migration.</p> <p>25 Q. A minute ago you referred to --</p>
<p style="text-align: right;">Page 187</p> <p>1 JOHN - HIGHLY CONFIDENTIAL</p> <p>2 revenue is important for publishers, but also</p> <p>3 in EMEA the customers are vocal about not</p> <p>4 having to lock down and be part of, you know,</p> <p>5 one of the dominant ad server. So like they</p> <p>6 were very vocal, even if they are willing to</p> <p>7 take a risk and willing to take a revenue</p> <p>8 cut.</p> <p>9 And customers like Axel Springer</p> <p>10 are very vocal about it publicly, why they</p> <p>11 want to support AppNexus and Xandr and now</p> <p>12 Microsoft.</p> <p>13 And --</p> <p>14 MS. DUNN: I just want to object to</p> <p>15 this entire dialogue. He prefaced that</p> <p>16 answer saying, based on the</p> <p>17 conversations, so that calls for</p> <p>18 hearsay.</p> <p>19 We don't know, he's here as a</p> <p>20 Microsoft 30(b)(6), not as somebody to</p> <p>21 speak for either publishers and</p> <p>22 customers, which he has been constantly</p> <p>23 asked to speak for. So we would move to</p> <p>24 strike all of that preexisting</p> <p>25 testimony.</p>	<p style="text-align: right;">Page 189</p> <p>1 JOHN - HIGHLY CONFIDENTIAL</p> <p>2 MS. DUNN: Objection. And move to</p> <p>3 strike, for the same basis stated</p> <p>4 earlier.</p> <p>5 Q. A minute ago you referred to a</p> <p>6 dominant ad server. Which it company were</p> <p>7 you referring to?</p> <p>8 A. Google.</p> <p>9 Q. Why did you describe Google as</p> <p>10 having a dominant ad server?</p> <p>11 A. Based on the market penetration and</p> <p>12 how many customers are using.</p> <p>13 Q. Have any of the European publishers</p> <p>14 that switched from DSP, Google's publisher ad</p> <p>15 server, to Xandr for display publisher ad</p> <p>16 serving later switched back to Google?</p> <p>17 A. I would say three.</p> <p>18 Q. Which three was it?</p> <p>19 A. One in Australia, I believe Sky;</p> <p>20 and the second one was, Switzerland. The</p> <p>21 third I don't recall.</p> <p>22 Q. What's your understanding of why</p> <p>23 those publishers switched from Xandr to DFP</p> <p>24 for publisher ad server?</p> <p>25 MS. DUNN: Objection, form.</p>

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<p style="text-align: right;">Page 190</p> <p>1 JOHN - HIGHLY CONFIDENTIAL</p> <p>2 A. They were losing the local AdX</p> <p>3 demand.</p> <p>4 Q. Is the --</p> <p>5 MS. DUNN: Objection. There is no</p> <p>6 foundation to this testimony.</p> <p>7 Q. When you just talked about the</p> <p>8 publishers that switched back from Xandr to</p> <p>9 Google, what are you basing that on?</p> <p>10 A. Based on the e-mails that we have</p> <p>11 received directly from the customers.</p> <p>12 Q. Focusing on Europe specifically, is</p> <p>13 the potential problem that a publisher uses</p> <p>14 AdX revenue if they do not use Google as</p> <p>15 their publisher ad server in Europe? Is that</p> <p>16 completely not a problem, is it still a</p> <p>17 problem somewhat or has it been --</p> <p>18 MS. DUNN: Objection to form.</p> <p>19 MS. COLE: Object to scope. You</p> <p>20 asked -- it's outside the scope.</p> <p>21 MS. DUNN: Well, if that's true,</p> <p>22 most of these conversations have been</p> <p>23 about Europe.</p> <p>24 MR. VERNON: You can answer.</p> <p>25 A. So there are -- it's kind of like a</p>	<p style="text-align: right;">Page 192</p> <p>1 JOHN - HIGHLY CONFIDENTIAL</p> <p>2 A. Sure.</p> <p>3 Q. When Xandr is the publisher ad</p> <p>4 server for a publisher, does Xandr prevent</p> <p>5 the publisher from using different price</p> <p>6 floors for different exchanges?</p> <p>7 A. No, we did not.</p> <p>8 Q. Why not?</p> <p>9 A. We give the controls to the</p> <p>10 publisher, how they want to set the price,</p> <p>11 and that's the price we use for the bidding</p> <p>12 auction.</p> <p>13 Q. Why did Xandr allow publishers to</p> <p>14 set different price floors for different</p> <p>15 exchanges?</p> <p>16 A. Depending upon the placements and</p> <p>17 the type of inventory, they'll be able to</p> <p>18 manage the floor prices; and it is a feature</p> <p>19 that we give them full control, how they</p> <p>20 manage it.</p> <p>21 Q. What benefits, if any, result to</p> <p>22 publishers from Xandr allowing publishers to</p> <p>23 set different price floors for different</p> <p>24 exchanges?</p> <p>25 A. So there are -- they can -- they</p>
<p style="text-align: right;">Page 191</p> <p>1 JOHN - HIGHLY CONFIDENTIAL</p> <p>2 two types of publishers. Sophisticated</p> <p>3 publishers like Axel Springer. They were</p> <p>4 able to migrate and gain 17 percentage of</p> <p>5 incremental revenue right after the</p> <p>6 migration. It's a public case study document</p> <p>7 to produce. And the reason is, they're using</p> <p>8 mediation, they were sophisticated, they were</p> <p>9 able to predict and build an auction price</p> <p>10 and continuously gain. And they still love</p> <p>11 working with Microsoft.</p> <p>12 On a small scale publishers, like</p> <p>13 the ones, those who left us, they don't have</p> <p>14 technologies to invest and compare the bid</p> <p>15 price and then -- and still get the AdX</p> <p>16 demand and continuously gain the revenue.</p> <p>17 They're the ones that are losing. So if the</p> <p>18 publishers are willing to go extra mile and</p> <p>19 work with us and put some skill, technology,</p> <p>20 they can leverage Xandr ad server and get the</p> <p>21 AdX demand, through our Mediation.</p> <p>22 (Discussion off the record.)</p> <p>23 Q. Let me switch topics slightly and</p> <p>24 ask you about Google's uniform price rules;</p> <p>25 is that okay?</p>	<p style="text-align: right;">Page 193</p> <p>1 JOHN - HIGHLY CONFIDENTIAL</p> <p>2 know the inventory better, they know their</p> <p>3 audience better, based on how they predict</p> <p>4 their page views and the seasonality and the</p> <p>5 type of audience and timing, they can have</p> <p>6 different flows. It's all about powering the</p> <p>7 publishers so they can monetize their content</p> <p>8 better.</p> <p>9 Q. When Google is the publisher ad</p> <p>10 server, to what extent can publishers set</p> <p>11 different floors for different exchanges?</p> <p>12 MS. COLE: Objection, scope. He is</p> <p>13 here on behalf of Microsoft.</p> <p>14 Go ahead.</p> <p>15 A. I do not recall the Google specific</p> <p>16 product feature that you are talking about.</p> <p>17 Q. Have you heard of Google's uniform</p> <p>18 price rules?</p> <p>19 A. So price rules or pricing auction?</p> <p>20 Q. The former. Not the unified</p> <p>21 auction, but UPR, uniform price rules.</p> <p>22 A. I haven't looked at the product and</p> <p>23 used them.</p> <p>24 Q. Do you know whether Google's</p> <p>25 uniform price rules prevents publishers from</p>

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<p style="text-align: right;">Page 194</p> <p>1 JOHN - HIGHLY CONFIDENTIAL</p> <p>2 using different floors for different</p> <p>3 exchanges?</p> <p>4 MS. DUNN: Objection, foundation.</p> <p>5 MS. COLE: Scope.</p> <p>6 A. I do not have any direct knowledge</p> <p>7 on that.</p> <p>8 Q. If Google's UPR prevented</p> <p>9 publishers from setting different price</p> <p>10 floors for different exchanges, would that be</p> <p>11 good or bad for publishers?</p> <p>12 MS. DUNN: Objection, leading.</p> <p>13 A. Multiple tools is good for the</p> <p>14 customers and publishers.</p> <p>15 Q. If the Google's UPR --</p> <p>16 MR. VERNON: I'll move on.</p> <p>17 Q. How does Google's AdX compare in</p> <p>18 size to the other display exchanges?</p> <p>19 A. Very large, given the market. All</p> <p>20 of the small- and large-scale publishers'</p> <p>21 supplies are available on Google exchange.</p> <p>22 Q. Are you familiar with the GDN, the</p> <p>23 Google Display Network?</p> <p>24 A. Yes.</p> <p>25 Q. How does GDN compare in size to the</p>	<p style="text-align: right;">Page 196</p> <p>1 JOHN - HIGHLY CONFIDENTIAL</p> <p>2 the full demand that we get, GDN is probably</p> <p>3 roughly five percent.</p> <p>4 Q. And a moment ago you mentioned</p> <p>5 retargeting; do you remember that?</p> <p>6 A. Uh-huh.</p> <p>7 Q. What is retargeting?</p> <p>8 A. Like the use or access of paid to</p> <p>9 the property, then the use of services other</p> <p>10 places you would be able to target that user</p> <p>11 based on the previous browsing experience.</p> <p>12 Q. Does -- how much access does</p> <p>13 Xandr's SSP have to GDN demand that is not</p> <p>14 retargeting?</p> <p>15 A. GDN, without retargeting, we don't</p> <p>16 have access.</p> <p>17 Q. What impact, if any, is there on</p> <p>18 competition in the SSP business from the fact</p> <p>19 that Xandr's SSP does not have access to</p> <p>20 non-retargeting demand from GDN?</p> <p>21 MS. DUNN: Objection to form and</p> <p>22 calls for improper opinion testimony.</p> <p>23 A. Since I'm not sure about the blog,</p> <p>24 the person who does the -- the demand that's</p> <p>25 not available, I'm not sure.</p>
<p style="text-align: right;">Page 195</p> <p>1 JOHN - HIGHLY CONFIDENTIAL</p> <p>2 other display owners?</p> <p>3 A. Because of the user volume and</p> <p>4 access and the market penetration with</p> <p>5 Google's -- properties and the large scale,</p> <p>6 small to medium to large scale, it's pretty</p> <p>7 big.</p> <p>8 MS. DUNN: Objection. Move to</p> <p>9 strike as improper opinion testimony.</p> <p>10 Q. How much access does Xandr's SSP</p> <p>11 have to GDN?</p> <p>12 A. It's been going up and down, so</p> <p>13 there are two types of demand that we get</p> <p>14 from Google. One is from GDN and one is from</p> <p>15 DV360. And GDN is only for display with no</p> <p>16 retargeting. The other one is for all</p> <p>17 formats, which is DV360. I would say</p> <p>18 combining both, it would be 10 to 20</p> <p>19 percentage; but GDN is very, very small out</p> <p>20 of that, probably less than five percent.</p> <p>21 Q. Just focusing on GDN specifically,</p> <p>22 how much of GDN's demand does Xandr's SSP</p> <p>23 have access to?</p> <p>24 A. I do not know what percentage of</p> <p>25 the total GDN demand that we get, but out of</p>	<p style="text-align: right;">Page 197</p> <p>1 JOHN - HIGHLY CONFIDENTIAL</p> <p>2 MR. VERNON: You guys want to go</p> <p>3 off the record and take a break? It's</p> <p>4 been an hour.</p> <p>5 MS. COLE: How much time is on the</p> <p>6 record, and how much time do you want</p> <p>7 for your break?</p> <p>8 MR. VERNON: Like ten minutes.</p> <p>9 (Discussion off the record.)</p> <p>10 THE VIDEOGRAPHER: The time is</p> <p>11 2:36, and this marks the end of media</p> <p>12 number 3, and we're off the record.</p> <p>13 (A brief recess was taken.)</p> <p>14 THE VIDEOGRAPHER: The time is</p> <p>15 2:54 p.m. and this begins media unit</p> <p>16 number 4.</p> <p>17 Q. Welcome back. So let me ask you to</p> <p>18 turn back to Exhibit 1. There was a project</p> <p>19 chart for a presentation that Google counsel</p> <p>20 showed you earlier today.</p> <p>21 It's not that one. It looks like</p> <p>22 this.</p> <p>23 A. Yes, yes.</p> <p>24 Q. Thank you. Let me ask you to turn</p> <p>25 to page 5 -- page 551 at the bottom, and it's</p>

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<p style="text-align: right;">Page 202</p> <p>1 JOHN - HIGHLY CONFIDENTIAL</p> <p>2 right of that numbered 1, 2 and 3; do you see</p> <p>3 that?</p> <p>4 A. Yes, I do.</p> <p>5 Q. And the second one underneath the</p> <p>6 boxes says a likelihood at 75 percent; do you</p> <p>7 see that? It's like smaller text.</p> <p>8 A. Yeah, yeah.</p> <p>9 Q. In the box it says, "Google as</p> <p>10 clear winner. Weak second place player." Do</p> <p>11 you see that?</p> <p>12 A. Number 2?</p> <p>13 Q. Right.</p> <p>14 A. Yeah.</p> <p>15 Q. What does this diagram convey about</p> <p>16 what might happen if Google acquired Dart?</p> <p>17 MS. DUNN: Objection, form. Same</p> <p>18 objections as before.</p> <p>19 A. So these are the scenarios when</p> <p>20 Google acquires, and they execute really</p> <p>21 well, what would be the -- Google's second</p> <p>22 position growth on market share will be.</p> <p>23 Q. What would it mean for Google to be</p> <p>24 the clear winner and there to be a weak</p> <p>25 second place player?</p>	<p style="text-align: right;">Page 204</p> <p>1 JOHN - HIGHLY CONFIDENTIAL</p> <p>2 and that's our position today, too.</p> <p>3 Q. So today, do you view Google's</p> <p>4 acquisition of DoubleClick as good for</p> <p>5 competition or bad for competition?</p> <p>6 MS. DUNN: Same objections:</p> <p>7 Objection to form and calls for improper</p> <p>8 opinion testimony.</p> <p>9 A. You know, the fact that publishers</p> <p>10 are not able to migrate and other players are</p> <p>11 not able to migrate publishers to other ad</p> <p>12 servers, there is no level field on playing</p> <p>13 competition as compared to products to</p> <p>14 convert customers.</p> <p>15 Q. So I think part of what you said</p> <p>16 was today there is not a level playing field.</p> <p>17 What relation, if any, does that</p> <p>18 have to Google's acquisition of DoubleClick?</p> <p>19 MS. DUNN: Objection to form.</p> <p>20 A. Google did not have publisher</p> <p>21 access or access of product before the</p> <p>22 acquisition; so this gave Google access to</p> <p>23 the publishers and access to the product.</p> <p>24 And the advertisers, those who are</p> <p>25 looking -- those who are looking to reach the</p>
<p style="text-align: right;">Page 203</p> <p>1 JOHN - HIGHLY CONFIDENTIAL</p> <p>2 A. The gap between the player 1 and</p> <p>3 player 2 will be large.</p> <p>4 Q. And would that have been good for</p> <p>5 competition or bad for competition?</p> <p>6 MS. DUNN: Objection, calls for</p> <p>7 improper opinion testimony, and</p> <p>8 objection to form.</p> <p>9 A. The market leans towards the</p> <p>10 leading player, so it is bad for the</p> <p>11 competition.</p> <p>12 Q. Today, what is Microsoft's</p> <p>13 understanding of the competitive effects of</p> <p>14 Google's acquisition of DoubleClick?</p> <p>15 MS. DUNN: Objection to form and</p> <p>16 calls for improper opinion testimony.</p> <p>17 A. And your question is, just to</p> <p>18 clarify, today's Microsoft's position?</p> <p>19 Q. Right.</p> <p>20 A. It's exactly how we thought back in</p> <p>21 the days when Google had this search: Large</p> <p>22 share and get access to the largest publisher</p> <p>23 market and the leading product and execute</p> <p>24 slow would have a leading position in this</p> <p>25 market. And that's exactly what's happening,</p>	<p style="text-align: right;">Page 205</p> <p>1 JOHN - HIGHLY CONFIDENTIAL</p> <p>2 search audience, but also looking to reach</p> <p>3 the same audience that Google could not offer</p> <p>4 to them, so now Google is able to go and say,</p> <p>5 look, I can help you reach the audience, but</p> <p>6 they're not able to reach the search audience</p> <p>7 and also reach through the access that I have</p> <p>8 through publishers. So they're able to keep</p> <p>9 advertising dollars and demand dollars sticky</p> <p>10 to Google as well as keep the publishers</p> <p>11 sticky on the sell side as well.</p> <p>12 Q. In your opinion overall, was</p> <p>13 Google's acquisition of DoubleClick good or</p> <p>14 bad for competition?</p> <p>15 MS. DUNN: Objection to form and</p> <p>16 calls for improper opinion testimony.</p> <p>17 A. Could you clarify the first part of</p> <p>18 the question? Sorry.</p> <p>19 Q. Sure. In your opinion overall, and</p> <p>20 just based on your experience, was Google's</p> <p>21 acquisition of DoubleClick good or bad for</p> <p>22 competition?</p> <p>23 MS. DUNN: Same objections.</p> <p>24 A. In my opinion, I believe in best of</p> <p>25 breed and provide accessibility; and</p>

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<p style="text-align: right;">Page 234</p> <p>1 JOHN - HIGHLY CONFIDENTIAL</p> <p>2 targeting parameters for social media versus</p> <p>3 nonsocial media.</p> <p>4 Q. When you say that social media and</p> <p>5 nonsocial media have different targeting --</p> <p>6 MS. DUNN: I'm sorry. Before you</p> <p>7 get to the question, object to the last</p> <p>8 answer based on improper opinion</p> <p>9 testimony and also he's testifying,</p> <p>10 quote, from an advertiser perspective.</p> <p>11 Q. When you said there are different</p> <p>12 targeting parameters for social compared to</p> <p>13 display, what did you mean by that?</p> <p>14 A. So that the format of the ad and</p> <p>15 how you measure an ad and how you expect a</p> <p>16 user to interact with those ads, attribution,</p> <p>17 all of those, because social media is more</p> <p>18 like a closed net. That data is not</p> <p>19 available, and advertisers need to run</p> <p>20 different metrics to match how their</p> <p>21 advertising dollar is spent between social</p> <p>22 versus nonsocial.</p> <p>23 Q. So focusing on the US, you view</p> <p>24 social advertising and display advertising as</p> <p>25 substitutes, or no?</p>	<p style="text-align: right;">Page 236</p> <p>1 JOHN - HIGHLY CONFIDENTIAL</p> <p>2 Q. So earlier we were talking about</p> <p>3 who Xandr's main competitors were for SSPs.</p> <p>4 Do you remember that?</p> <p>5 A. Yes, I do.</p> <p>6 Q. And I think the two that we</p> <p>7 discussed were Magnite and Google's AdX; is</p> <p>8 that correct?</p> <p>9 A. That's fair.</p> <p>10 Q. Why did you not list Amazon as one</p> <p>11 of the main or two main competitors for</p> <p>12 Xandr's SSP?</p> <p>13 A. I think I added Amazon after you</p> <p>14 reminded me Amazon is also an SSP; but I also</p> <p>15 have -- we also integrate with them using</p> <p>16 their header bidding technology called TAM;</p> <p>17 and so they also bring in a demand; so they</p> <p>18 are also competitor in the SSP.</p> <p>19 Q. Do you view TAM, Amazon's TAM as a</p> <p>20 header bidding effort?</p> <p>21 A. Correct, it's a header bidding</p> <p>22 effort.</p> <p>23 Q. Is Amazon's -- what are other</p> <p>24 header bidding efforts pier does Xandr</p> <p>25 connect to?</p>
<p style="text-align: right;">Page 235</p> <p>1 JOHN - HIGHLY CONFIDENTIAL</p> <p>2 MS. DUNN: Objection. Calls for</p> <p>3 improper opinion testimony.</p> <p>4 A. They're not substitutes. Also</p> <p>5 based on the auto fees that they've seen and</p> <p>6 how agencies, advertisers are organized,</p> <p>7 there's a separate group or team that they</p> <p>8 buy social media advertising; there's a</p> <p>9 separate team that buys non. So one won't be</p> <p>10 able to replace or substitute the other.</p> <p>11 MR. VERNON: You can set that</p> <p>12 document aside.</p> <p>13 MS. COLE: You think it's a good</p> <p>14 time to take a break?</p> <p>15 MR. VERNON: We can take the break.</p> <p>16 We can go off.</p> <p>17 THE VIDEOGRAPHER: The time is</p> <p>18 3:44 p.m., and this marks the end of</p> <p>19 media unit number 4.</p> <p>20 (A brief recess was taken.)</p> <p>21 THE VIDEOGRAPHER: The time is</p> <p>22 4:04 p.m. This begins media unit number</p> <p>23 5.</p> <p>24 Q. Welcome back.</p> <p>25 A. Thank you.</p>	<p style="text-align: right;">Page 237</p> <p>1 JOHN - HIGHLY CONFIDENTIAL</p> <p>2 A. So the preview open source and our</p> <p>3 DSP and TAM.</p> <p>4 Q. Between AdX and Amazon, which</p> <p>5 company is larger, which SSP is larger in the</p> <p>6 SSP business for display?</p> <p>7 A. Based on what we see in all</p> <p>8 marketplace, Google is the largest.</p> <p>9 Q. And what, approximately, is the</p> <p>10 difference in size between AdX and Amazon</p> <p>11 SSP?</p> <p>12 MS. DUNN: Objection to form.</p> <p>13 A. I don't recall the numbers of what</p> <p>14 percentage that we transact between Amazon</p> <p>15 and Google.</p> <p>16 Q. How big is Google's AdX in the</p> <p>17 display SSP business compared to Xandr?</p> <p>18 MS. DUNN: Objection to form.</p> <p>19 A. We see Google supply and most of</p> <p>20 the supply is on their ad server supply; but</p> <p>21 it's hard for me from outside to separate</p> <p>22 whether it's an SSP supply or an ad server</p> <p>23 supply. But it's on the exchange, right, if</p> <p>24 it's sitting on the exchange. That's why I'm</p> <p>25 mixing the words SSP and AdX change if it's</p>

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<p style="text-align: right;">Page 238</p> <p>1 JOHN - HIGHLY CONFIDENTIAL</p> <p>2 on their exchange. And I believe it's all ad</p> <p>3 server supply, yeah, that's the --</p> <p>4 Q. Do you know what the second largest</p> <p>5 display SSP is after AdX?</p> <p>6 A. I believe it's AppNexus as an</p> <p>7 independent programmatic supply, as an</p> <p>8 independent, not having a one-piece supply on</p> <p>9 our platform next to Google, but --</p> <p>10 Q. Sorry.</p> <p>11 A. -- but I don't see the numbers</p> <p>12 between the other SSPs.</p> <p>13 Q. Was Google's AdX the largest</p> <p>14 display exchange five years ago?</p> <p>15 MS. DUNN: Objection to form.</p> <p>16 A. Yes, yes, it still is.</p> <p>17 Q. Why is Google able to maintain its</p> <p>18 position as the largest display SSP, at least</p> <p>19 for the last five years?</p> <p>20 MS. DUNN: Objection to form.</p> <p>21 MS. COLE: Object to scope as to --</p> <p>22 he's testifying on behalf of Microsoft.</p> <p>23 A. You know, the customers that Google</p> <p>24 ad server and AdX had access that I mentioned</p> <p>25 before, they are sticky; and I believe that's</p>	<p style="text-align: right;">Page 240</p> <p>1 JOHN - HIGHLY CONFIDENTIAL</p> <p>2 largest SSP for display for over at least the</p> <p>3 last five years?</p> <p>4 MS. DUNN: Objection to form, same</p> <p>5 objections.</p> <p>6 MS. COLE: I object in terms of</p> <p>7 scope he's testifying on behalf of</p> <p>8 Microsoft, so if you're asking him what</p> <p>9 Google is doing -- you can ask him what</p> <p>10 the effect of Microsoft is, you can ask</p> <p>11 him what Microsoft's experience is, but</p> <p>12 object on scope for, for the prior</p> <p>13 reasons.</p> <p>14 MR. VERNON: Why don't you answer,</p> <p>15 and we will kind of take it from there.</p> <p>16 A. To clarify, you're asking why</p> <p>17 customers are sticky and staying with</p> <p>18 Microsoft, Google's ad server?</p> <p>19 Q. Slightly different.</p> <p>20 How, if at all, does the stickiness</p> <p>21 of Google's publisher ad server customers</p> <p>22 affect Google's ability to remain, AdX's</p> <p>23 ability to remain the largest display SSP for</p> <p>24 at least the last five years?</p> <p>25 MS. DUNN: Same objection. At this</p>
<p style="text-align: right;">Page 239</p> <p>1 JOHN - HIGHLY CONFIDENTIAL</p> <p>2 one of the reasons the supply is consistently</p> <p>3 staying there.</p> <p>4 Q. When you say the customers are</p> <p>5 sticky, what do you mean by that?</p> <p>6 A. Like the publishers, those are</p> <p>7 leveraging Google ad server and makes the</p> <p>8 supply available on AdX. Also, it's my</p> <p>9 belief that the 1-P also plays also part of</p> <p>10 the exchange, Google's.</p> <p>11 Q. How, if at all, does Google's</p> <p>12 publisher customers being sticky on its ad</p> <p>13 server affect Google being the largest SSP</p> <p>14 for display?</p> <p>15 MS. DUNN: Objection to form,</p> <p>16 foundation, calls for opinion testimony.</p> <p>17 A. Can you repeat the first part, how</p> <p>18 does the --</p> <p>19 Q. Yeah. One of the things you</p> <p>20 mentioned is that Google's publisher</p> <p>21 customers are sticky, with respect to</p> <p>22 Google's publisher ad server.</p> <p>23 A. That's correct.</p> <p>24 Q. How does that stickiness affect, if</p> <p>25 at all, Google AdX's ability to remain the</p>	<p style="text-align: right;">Page 241</p> <p>1 JOHN - HIGHLY CONFIDENTIAL</p> <p>2 point I think it's very clear he has no</p> <p>3 foundation for this.</p> <p>4 A. The question I'm not clear on. How</p> <p>5 does it affect means is the publisher, the</p> <p>6 customers are staying with the Google ad</p> <p>7 server, number one. The uses are</p> <p>8 consistently using digital technologies more</p> <p>9 and more, so the supply volume is increasing,</p> <p>10 the user engagement is increasing</p> <p>11 consistently; but that's one reason I can</p> <p>12 think of.</p> <p>13 Q. Okay. Is it fair to say Xandr's</p> <p>14 SSP competes with Google's SSP?</p> <p>15 A. That is correct.</p> <p>16 Q. Is it fair to say Xandr's, then,</p> <p>17 doing as much as it can to compete with AdX</p> <p>18 in the SSP business?</p> <p>19 A. That is correct.</p> <p>20 Q. Why is it that at least over the</p> <p>21 course of the last five years, AdX has</p> <p>22 remained as the largest display SSP, even</p> <p>23 though Xandr is doing everything that it can</p> <p>24 to compete with AdX?</p> <p>25 MS. DUNN: Objection to form.</p>

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<p style="text-align: right;">Page 242</p> <p>1 JOHN - HIGHLY CONFIDENTIAL</p> <p>2 A. So from my understanding and where</p> <p>3 Xandr did not have the first-party</p> <p>4 properties, Google does; and that the volume</p> <p>5 and the scale of the supply comes from --</p> <p>6 that stays with the Google ad exchange.</p> <p>7 Xandr was mostly an independent technology</p> <p>8 company where we had to get the publisher</p> <p>9 supply to on-board and activate.</p> <p>10 Q. By 1-P, are you referring mostly to</p> <p>11 you or something else?</p> <p>12 A. Many Google properties.</p> <p>13 Q. I asked you, which Google</p> <p>14 properties are you referring to?</p> <p>15 A. The properties like Google News,</p> <p>16 Google Search, Google Maps, any properties</p> <p>17 that the consumers can access.</p> <p>18 Q. If you were to set Google's</p> <p>19 first-party properties aside, would Google</p> <p>20 still be the largest SSP for display in the</p> <p>21 US?</p> <p>22 MS. DUNN: Objection to form.</p> <p>23 A. That is correct, because most of</p> <p>24 the small- to large-scale publishers use</p> <p>25 Google as an ad server and that supplies on</p>	<p style="text-align: right;">Page 244</p> <p>1 JOHN - HIGHLY CONFIDENTIAL</p> <p>2 other SSPs?</p> <p>3 A. Based on what we see, you know,</p> <p>4 when customers leverage Google ad server as</p> <p>5 part, directly part of the exchange versus</p> <p>6 when they degrade to SSP, customers who are</p> <p>7 directly on the Google Ad Exchange and AdX</p> <p>8 has a large access for the demand.</p> <p>9 Q. Is DV360 equally available to</p> <p>10 Google's AdX on the one hand and third-party</p> <p>11 SSPs on the other hand?</p> <p>12 A. Not necessarily, because AdX</p> <p>13 customers, the publisher customers get those</p> <p>14 demand significantly higher, and we still get</p> <p>15 the demand through open ad TV, but that is</p> <p>16 very, very low.</p> <p>17 Q. Do you know how AdX's access to</p> <p>18 DV360 demand has changed in the last four</p> <p>19 years?</p> <p>20 A. Yes, it was, it was higher before</p> <p>21 Google introduced the spreads auction, then</p> <p>22 it slowed down. Excuse me, and trend is</p> <p>23 generally, excuse me, trend is generally</p> <p>24 going down. And we still get the demand, but</p> <p>25 prior to the first price auction it was</p>
<p style="text-align: right;">Page 243</p> <p>1 JOHN - HIGHLY CONFIDENTIAL</p> <p>2 the exchange.</p> <p>3 Q. So if you set aside the fact that</p> <p>4 Google has first-party properties, what other</p> <p>5 reasons, if any, are there why Google has</p> <p>6 been able to remain the largest display SSP,</p> <p>7 despite the fact that Xandr is doing all that</p> <p>8 it can to compete with Google?</p> <p>9 A. Number one is the demand, AdX</p> <p>10 demand.</p> <p>11 Q. What do you mean by that?</p> <p>12 A. Like the access of, availability of</p> <p>13 the demand that publishers can monetize in</p> <p>14 place of Google is the reason consistently</p> <p>15 the publishers are leveraging Google's</p> <p>16 product.</p> <p>17 Q. And which demand are you referring</p> <p>18 to?</p> <p>19 A. AdX demand.</p> <p>20 Q. Where does that demand come from on</p> <p>21 the buy side?</p> <p>22 A. On the buy side, it goes from</p> <p>23 AdWords and DV360.</p> <p>24 Q. In your experience is AdWords</p> <p>25 demand available fully to Google's SSP and to</p>	<p style="text-align: right;">Page 245</p> <p>1 JOHN - HIGHLY CONFIDENTIAL</p> <p>2 higher.</p> <p>3 Q. Do you know why AppNexus has been</p> <p>4 getting less demand from the DV360 now,</p> <p>5 compared to previously?</p> <p>6 A. We've been working with Google, and</p> <p>7 the reasons --</p> <p>8 MS. COLE: Objection. Did you say</p> <p>9 AppNexus or did you -- just to clarify.</p> <p>10 MR. VERNON: Let me reask it again,</p> <p>11 in case I did ask it.</p> <p>12 Q. Did you know why AppNexus SSP is</p> <p>13 getting less demand from DV360 now, compared</p> <p>14 to previously?</p> <p>15 A. The reasons that we are getting</p> <p>16 from Google is, number one, the demand for</p> <p>17 displays is weakening. Number two, the</p> <p>18 pricing that after Google introduced first</p> <p>19 price auction, they optimized the pricing of</p> <p>20 the algorithm that we're not winning much.</p> <p>21 The third thing is more demand dollars are</p> <p>22 going towards video and other competitors</p> <p>23 like YouTube.</p> <p>24 These are the reasons that we</p> <p>25 received from Google.</p>

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<p style="text-align: right;">Page 318</p> <p>1 JOHN - HIGHLY CONFIDENTIAL</p> <p>2 evolves, multiple players started picking</p> <p>3 compared to the display advertising.</p> <p>4 Q. Okay.</p> <p>5 MR. VERNON: Could we go off the</p> <p>6 record. Just give me two minutes. I</p> <p>7 just want to make sure I asked all the</p> <p>8 questions.</p> <p>9 THE VIDEOGRAPHER: The time is</p> <p>10 6:19 p.m. and we're off the record.</p> <p>11 (A brief recess was taken.)</p> <p>12 THE VIDEOGRAPHER: The time is</p> <p>13 6:21 p.m. and we're back on the record.</p> <p>14 Q. Do you have that document in front</p> <p>15 of you that we were just looking at?</p> <p>16 A. Yes, I do.</p> <p>17 Q. And the one that refers to the</p> <p>18 "marketplace lock-in in Display." Do you see</p> <p>19 that?</p> <p>20 A. Yes, I do.</p> <p>21 Q. Earlier counsel asked you some</p> <p>22 questions about meetings between the DOJ and</p> <p>23 Microsoft with Xandr. Do you remember that?</p> <p>24 A. Yes, I do.</p> <p>25 Q. Did Microsoft or Xandr create this</p>	<p style="text-align: right;">Page 320</p> <p>1</p> <p>2 STATE OF _____)</p> <p>3) :ss</p> <p>4 COUNTY OF _____)</p> <p>5</p> <p>6</p> <p>7 I, BENNEASER JOHN, the witness</p> <p>8 herein, having read the foregoing</p> <p>9 testimony of the pages of this</p> <p>10 deposition, do hereby certify it to be a</p> <p>11 true and correct transcript, subject to</p> <p>12 the corrections, if any, shown on the</p> <p>13 attached page.</p> <p>14</p> <p>15 _____</p> <p>16 BENNEASER JOHN</p> <p>17</p> <p>18 Sworn and subscribed to before</p> <p>19 me, this _____ day of</p> <p>20 _____, 2023.</p> <p>21 _____</p> <p>22 Notary Public</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 319</p> <p>1 JOHN - HIGHLY CONFIDENTIAL</p> <p>2 document that talks about marketplace lock-in</p> <p>3 for display for purposes of showing it to the</p> <p>4 DOJ?</p> <p>5 A. Absolutely not.</p> <p>6 MR. VERNON: Okay. With that, and</p> <p>7 unless counsel for Google has further</p> <p>8 questions, I'm done with my questions,</p> <p>9 and I thank you and the court reporter</p> <p>10 and the videographer and to everyone for</p> <p>11 taking the time to sit here on a Friday.</p> <p>12 THE WITNESS: Thank you, all.</p> <p>13 MS. DUNN: Thank you very much. We</p> <p>14 appreciate you very, very much.</p> <p>15 THE VIDEOGRAPHER: We're going off</p> <p>16 the record at 6:22 p.m., and this</p> <p>17 concludes today's testimony given by Ben</p> <p>18 John. The total number of media units</p> <p>19 was five, and they will be retained by</p> <p>20 Veritext.</p> <p>21 (Time noted: 6:22 p.m.)</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 321</p> <p>1</p> <p>2 C E R T I F I C A T E</p> <p>3 STATE OF NEW YORK)</p> <p>4 : ss.</p> <p>5 COUNTY OF NEW YORK)</p> <p>6 I, Jennifer Ocampo-Guzman, a</p> <p>7 Certified Realtime Shorthand Reporter and</p> <p>8 Notary Public within and for the State of New</p> <p>9 York, do hereby certify:</p> <p>10 That BENNEASER JOHN, the witness</p> <p>11 whose deposition is hereinbefore set forth,</p> <p>12 was duly sworn, and that such deposition is</p> <p>13 a true record of the testimony given by the</p> <p>14 witness.</p> <p>15 I further certify that I am not</p> <p>16 related to any of the parties to this action</p> <p>17 by blood or marriage, and that I am in no</p> <p>18 way interested in the outcome of this</p> <p>19 matter.</p> <p>20 IN WITNESS WHEREOF, I have</p> <p>21 hereunto set my hand this 12th day of</p> <p>22 September 2023.</p> <p>23</p> <p>24 <i>J. Ocampo-Guzman</i></p> <p>25 JENNIFER OCAMPO-GUZMAN, CRR, CLR</p>